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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DEONDRE RAGLIN,  
Plaintiff,  
vs.

CRISTELA NUTRICION HERBALIFE;  
MANUELA SIFUENTES; and DOES 1 to  
10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;
3. CALIFORNIA'S DISABLED  
PERSONS ACT;
4. CALIFORNIA HEALTH & SAFETY  
CODE;
5. NEGLIGENCE

Plaintiff DEONDRE RAGLIN ("Plaintiff") complains of Defendants CRISTELA  
NUTRICION HERBALIFE; MANUELA SIFUENTES; and DOES 1 to 10  
("Defendants") and alleges as follows:

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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
3 from paraplegia due to T8 spinal cord injury and is substantially limited in his ability to  
4 walk. Plaintiff requires the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,  
6 business operators, lessors and/or lessees of the real property for a sports nutrition store  
7 (“Business”) located at or about 9905 San Pedro St., Los Angeles, California.

8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
11 Court to amend this Complaint when the true names and capacities have been  
12 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such  
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
18 the things alleged herein was acting with the knowledge and consent of the other  
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or  
21 failure to act by a defendant or Defendants, such allegations and references shall also be  
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
27 *seq.*).  
28





1 such goods, services, facilities, privileges, advantages, or  
2 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

3 b. A failure to take such steps as may be necessary to ensure that no  
4 individual with a disability is excluded, denied services, segregated or  
5 otherwise treated differently than other individuals because of the  
6 absence of auxiliary aids and services, unless the entity can  
7 demonstrate that taking such steps would fundamentally alter the  
8 nature of the good, service, facility, privilege, advantage, or  
9 accommodation being offered or would result in an undue burden. 42  
10 U.S.C. § 12182(b)(2)(A)(iii).

11 c. A failure to remove architectural barriers, and communication barriers  
12 that are structural in nature, in existing facilities, and transportation  
13 barriers in existing vehicles and rail passenger cars used by an  
14 establishment for transporting individuals (not including barriers that  
15 can only be removed through the retrofitting of vehicles or rail  
16 passenger cars by the installation of a hydraulic or other lift), where  
17 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

18 d. A failure to make alterations in such a manner that, to the maximum  
19 extent feasible, the altered portions of the facility are readily  
20 accessible to and usable by individuals with disabilities, including  
21 individuals who use wheelchairs or to ensure that, to the maximum  
22 extent feasible, the path of travel to the altered area and the  
23 bathrooms, telephones, and drinking fountains serving the altered  
24 area, are readily accessible to and usable by individuals with  
25 disabilities where such alterations to the path or travel or the  
26 bathrooms, telephones, and drinking fountains serving the altered area  
27 are not disproportionate to the overall alterations in terms of cost and  
28 scope. 42 U.S.C. § 12183(a)(2).

1           21. At least one accessible route shall connect accessible building, facilities,  
2 elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public  
3 accommodation shall maintain in operable working condition those features of facilities  
4 and equipment that are required to be readily accessible to and usable by persons with  
5 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

6           22. Here, Defendants failed to provide at least one accessible entrance to the  
7 Business as the entrance had a step instead of a proper ramp.

8           23. A public accommodation shall maintain in operable working condition those  
9 features of facilities and equipment that are required to be readily accessible to and usable  
10 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

11           24. By failing to maintain the facility to be readily accessible and usable by  
12 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related  
13 regulations.

14           25. The Business has denied and continues to deny full and equal access to  
15 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
16 discriminated against due to the lack of accessible facilities, and therefore, seeks  
17 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
18 by individuals with disabilities.

19                                   **SECOND CAUSE OF ACTION**

20                                   **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

21           26. Plaintiff incorporates by reference each of the allegations in all prior  
22 paragraphs in this complaint.

23           27. California Civil Code § 51 states, "All persons within the jurisdiction of this  
24 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
25 national origin, disability, medical condition, genetic information, marital status, sexual  
26 orientation, citizenship, primary language, or immigration status are entitled to the full  
27 and equal accommodations, advantages, facilities, privileges, or services in all business  
28 establishments of every kind whatsoever."

1           28. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
2 or make any discrimination or distinction contrary to Section 51, 515, or 51.6, is liable  
3 for each and every offense for the actual damages, and any amount that may be  
4 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
5 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
6 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
7 person denied the rights provided in Section 51, 51.5, or 51.6.

8           29. California Civil Code § 51(f) specifies, “a violation of the right of any  
9 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
10 shall also constitute a violation of this section.”

11           30. The actions and omissions of Defendants alleged herein constitute a denial  
12 of full and equal accommodation, advantages, facilities, privileges, or services by  
13 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
14 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
15 51 and 52.

16           31. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
17 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
18 damages as specified in California Civil Code §55.56(a)-(c).

19                           **THIRD CAUSE OF ACTION**

20                   **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

21           32. Plaintiff incorporates by reference each of the allegations in all prior  
22 paragraphs in this complaint.

23           33. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
24 entitled to full and equal access, as other members of the general public, to  
25 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
26 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,  
27 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
28 of transportation (whether private, public, franchised, licensed, contracted, or otherwise



provided), telephone facilities, adoption agencies, private schools, hotels, loading places, places of public accommodations, amusement, or resort, and other places in which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

34. California Civil Code § 54.3(a) states, “Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages, and any amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000) and any attorney’s fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 54, 54.1, and 54.2.

35. California Civil Code § 54(d) specifies, “a violation of the right of an individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also constitute a violation of this section, and nothing in this section shall be construed to limit the access of any person in violation of that act.

36. The actions and omissions of Defendants alleged herein constitute a denial of full and equal accommodation, advantages, and facilities by physically disabled persons within the meaning of California Civil Code § 54. Defendants have discriminated against Plaintiff in violation of California Civil Code § 54.

37. The violations of the California Disabled Persons Act caused Plaintiff to experience difficulty, discomfort, and embarrassment. The Defendants are also liable for statutory damages as specified in California Civil Code §55.56(a)-(c).

#### **FOURTH CAUSE OF ACTION**

#### **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

38. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.



1           39. Plaintiff and other similar physically disabled persons who require the use of  
2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
3 such facility is in compliance with the provisions of California Health & Safety Code §  
4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
5 provisions of California Health & Safety Code § 19955 et seq.

6           40. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
7 that public accommodations or facilities constructed in this state with private funds  
8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
9 Title 1 of the Government Code. The code relating to such public accommodations also  
10 require that “when sanitary facilities are made available for the public, clients, or  
11 employees in these stations, centers, or buildings, they shall be made available for  
12 persons with disabilities.

13           41. Title II of the ADA holds as a “general rule” that no individual shall be  
14 discriminated against on the basis of disability in the full and equal enjoyment of goods  
15 (or use), services, facilities, privileges, and accommodations offered by any person who  
16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
17 Further, each and every violation of the ADA also constitutes a separate and distinct  
18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
19 award of damages and injunctive relief pursuant to California law, including but not  
20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

21                                   **FIFTH CAUSE OF ACTION**

22   **NEGLIGENCE**

23           42. Plaintiff incorporates by reference each of the allegations in all prior  
24 paragraphs in this complaint.

25           43. Defendants have a general duty and a duty under the ADA, Unruh Civil  
26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
27 to the Plaintiff.  
28

44. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

45. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;

2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;

3. Award of all reasonable restitution for Defendants' unfair competition practices;

4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;

5. Prejudgment interest pursuant to California Civil Code § 3291; and

6. Such other and further relief as the Court deems just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: October 7, 2024

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff